



CITY OF MEMPHIS

COUNCIL AGENDA

March 17, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 3, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the Class of 2009 of Ms. Glynn's Charm and Finishing School.

Lowery

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change on Meagher Street for Mr. Joe C. Warren, first president of AFSCME Local 1733.

Brown

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing the Overton High Lady Wolverines on their victory as being named 15-AAA District Champions.

Brown

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

4. RESOLUTION approving a planned development located on the east of Tillman Street, continuing to the north side of Johnson Avenue, containing 8.67 acres in the Single Family Residential (R-S6) District. (Held from 3/3)

Morrison

Case No. PD 08-335

Applicant: Lakeview Estates Development, LLC (Darrell Cobbins)
Powers Hill Design, LLC (Nisha Powers) – Representative

Request: A planned development to permit affordable housing for the elderly (100 units in 1, three-story building)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

177 NOTICES MAILED ON FEBRUARY 20, 2009

5. RESOLUTION approving a planned development located on the southeast corner of N. Germantown Parkway and Walnut Run Road, containing 3.57 acres in an area currently governed by P.D. 84-348.

Morrison

Case No. PD 08-336

Applicant: Gill Properties
Harkavy, Shainberg, Kaplan & Dunston, PLLC
(Ronald Harkavy) - Representative

Request: Plan amendment to allow Planned Commercial (C-P) District land uses, including restaurant, retail center and a four (4) story hotel building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

34 NOTICES MAILED ON MARCH 6, 2009

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCE – THIRD AND FINAL READING

6. ORDINANCE rezoning the south side of Macon Road, opposite Dexter Lane intersection containing 5.44 acres in the Single Family Residential (R-S6) and General Office (O-G) Districts, up for T H I R D and F I N A L reading. (Held from 3/3)

Morrison

Ordinance No. 5299

Case No. Z 08-118

Applicant: Bazemore Family Trust and Cordova Properties, Inc.
Eugene Bryan – Representative

Request: Local Commercial (C-L) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES MAILED ON FEBRUARY 20, 2009



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

7. **ORDINANCE** to amend Chapter 5 of the Code of Ordinances so as to Prohibit the Roadside Sale of Animals, up for F I R S T reading.

Brown

Ordinance No. 5300

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

(None)

ZONING ORDINANCES - FIRST READING

8. **ORDINANCE** to adopt the University District Overlay (UDO) as a Zoning Text Amendment, up for F I R S T reading.

Morrison

Ordinance No. 5301

Case No. ZTA 08-002

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend the text of the Zoning Ordinance, up for F I R S T reading.

Morrison

Ordinance No. 5302

Case No. Z08-104

Request: Amend the Official Zoning Map by adopting the proposed University District Comprehensive Rezoning and establishing the boundaries for the University District Overlay. The University Overlay includes proposed Shopfront or Urban Frontage Designation for segments of Highland, Southern, Walker, Central, Mynders, Patterson, Houston and Park

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

10. RESOLUTION accepting DEXTER WAY PD, PHASE 1, AREA A and authorizing release of bond.

Case No. PD 02-326
(Contract No. CR-4791)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Dexter Road, east of Dexter Woods. The standard improvement contract was approved on May 20, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$73,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting DEXTER WAY PD, PHASE 2, AREA B and authorizing release of bond.

Case No. PD 02-236
(Contract No. CR-5117)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Dexter Road, west of Dexter Woods. The standard improvement contract was approved on September 23, 2008. Resolution also authorizes the release of the letter of credit in the amount of \$27,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting FEDEX HEADQUARTERS MEDIAN MODIFICATION and authorizing release of bond.

(Contract No. CR-5105)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the Avenue of Commerce, north of Winchester Road. The standard improvement contract was approved on April 1, 2008. Resolution also authorizes the release of the performance bond in the amount of \$297,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of HOUSTON LEVEE TRAILS PD, 4TH AMENDMENT, PHASE 1.

Case No. PD 04-383
Contract No. CR-5136

Resolution approves the final plat located on the southwest corner of Houston Levee Road and Highway 64. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

14. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-337 – Fieldstone P.D., 2nd Amendment

Located on the west side of Hacks Cross Road; +298 feet south of Players Club Parkway, containing 6.18 acres in an area currently governed by the conditions for Parcel C, Fieldstone P.D. (P.D. 05-337)

Applicant: Players Crossing Partners (Mark Johnson)
Davis Engineering (Mark Davis) – Representative

Request: Amend the conditions for Parcel C of the Fieldstone Planned Development to permit Self-Storage/Mini-warehouse

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 7, 2009



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MLGW FISCAL CONSENT

15. RESOLUTION awarding Contract No. 11277, Emergency Generator for Shaw Generator Installation, to Tri-State Armature & Electrical Works, Inc. in the funded amount of \$1,673,647.00.
16. RESOLUTION approving Change No. 2 to Contract No. 10929, Licensing Agreement between MLGW and E-Source, Inc. in the funded amount of \$171,100.00. (This change renews the contract for the term May 1, 2009 to April 30, 2010).
17. RESOLUTION approving Change No. 3 to Contract No. 11072, MLGW Employee Assistance Program, with Methodist Healthcare, Inc. in the funded amount of \$28,500.00. (This extends the current contract for a one-year term, April 1, 2009 to March 31, 2010).
18. RESOLUTION approving Change No. 3 to Contract No. 11078, Professional Claims Adjusting Service, with Horton and Associates of Memphis in the funded amount of \$160,000.00. (This change renews the contract for the third of four renewal terms, April 1, 2009 to March 31, 2010).
19. RESOLUTION approving Change No. 3 to Contract No. 11187, Flexible Spending Account Administrator, with Fringe Benefits Management Company in the funded amount of \$10,000.00, for a new contract value of \$46,651.99. (This change renews the contract for the second and final renewal term, May 1, 2009 through April 30, 2010).
20. RESOLUTION approving Change No. 2 to Contract No. 11261, Commercial Auto Insurance, with Pete Mitchell & Associates, Inc. in the funded amount of \$12,500.00, for a new contract value of \$189,859.00. (This change is to pay an endorsement for adding vehicles for the emergency response resulting from the ice storm in Mayfield, Kentucky and adds contingency funding for future emergency response needs).
21. RESOLUTION awarding contract for VMWare replication equipment and services to Logicalis, Inc. in the amount of \$156,731.55.
22. RESOLUTION awarding 36-month contract for biodiesel fuel to Petroleum Traders Corporation in the amount of \$711,225.00.

23. RESOLUTION awarding 60-month contracts for URD primary cable, as follows:

The Kerite Company.....	13,851,612.50
Universal	
Scaffolding.....	<u>16,908,760.00</u>
Total.....	<u>\$30,760,372.50</u>

24. RESOLUTION approving payment of 2009 annual membership dues to Tennessee One-Call System, Inc. in the amount of \$83,440.35.
25. RESOLUTION approving employment of Gene Palermo, Ph.D for consulting expert-witness services on an as-needed basis at the hourly rate of \$175.00.



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REGULAR AGENDA

26.
Flinn

APPOINTMENTS

Memphis and Shelby County Air Pollution Control Board

Appointments

Doris F. Boyd
Mary Margaret Ware

Reappointment

James G.M. Lenschau

Memphis and Shelby County Depot Redevelopment Corporation Board

Appointment

Andrew N. Glisson

Landmarks Commission

Appointment

Keith Kays

Reappointments

Suzanne Askew
Verna Hawkins-Lambert

GENERAL ORDINANCE – THIRD AND FINAL READING (None)

ENGINEERING DIVISION

27. RESOLUTION amending the Fiscal Year 2009 CIP Budget by allocating and appropriating \$250,000.00 in Capital Pay Go funds to prepare projects for funding from the Economic Recovery (Stimulus) Legislation and other available federal grants through the State of Tennessee.

Boyd

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

28. RESOLUTION appropriating an additional \$6,900.00 in G.O. Bonds from the FY 2009 CIP Budget to repair Engine 55 for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating an additional \$35,000.00 in G.O. Bonds from the FY 2009 CIP Budget to repair Truck 3 for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

30. RESOLUTION amending the FY 2009 HCD Operating Budget by appropriating \$450,000.00 in revenues for benefit of the Pyramid Redevelopment Project. Contract No. 25189.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

31. RESOLUTION amending the FY2009 Riverfront Development Corporation's Capital Improvement Program Fund to include GA01003, Mud Island Playground and Chickasaw Heritage Park Walking Trail and establish an allocation award of \$397,000.00 in the Construction line funded by G.O. Bonds General and appropriate said allocation for construction. (Held from 3/3)

Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving the completion of plans and specifications and taking of bids for the Liberty Bowl Locker Rooms Phase II, CIP Project Number PK10010, as part of the FY 09 Capital Improvement Program at an estimated construction cost of \$1,480,000.00 funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$500,000.00 in PK08011, "Children's Garden", in Contract Construction, funded by G.O. Bonds General for payment to the Memphis Botanic Garden Foundation for construction of the project.

Strickland

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION appropriating \$300,000.00 from GA01008, Mud Island Major Maintenance, FY 09 CIP to replace the air-conditioning chiller for the amphitheater and replacement of HVAC control system for the museum and offices by the General Services Division.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

35. RESOLUTION approving an amendment to the lease agreement with Petty Real Estate, Inc., as approved by the Board of Commissions of the Memphis and Shelby County Port Commission on January 22, 2009.

Collins

Contract No. CR-3601AM

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS

36. RESOLUTION urging teamwork and communication.

Fullilove

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION establishing a Civilian Law Enforcement Review Board Special Committee.

Conrad

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

38. RESOLUTION appropriating \$135,000.00 funded by G.O. Bonds General, chargeable to the Fiscal Year 2009 Capital Improvement Budget for Chickasaw Heritage Park Walking Trail.
Strickland

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION opposing Senate Bill 83, an act to amend Tennessee Code Annotated, Title 50, Chapter 2, Part 1, relative to wages.
Lowery

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting and appropriating grant funds in the amount of \$11,506,415.00 from the U.S. Department of Housing and Urban Development to make funds available for use by Non-Profit and For-Profit affordable housing developers within ten zip codes of Memphis for the acquisition, rehabilitation and deposition of approximately 145 units.
Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. Approved, as amended
5. Approved
6. Sent Back to LUCB
7. Through 13 – Approved
14. Public Hearing Set for April 7, 2009
15. Through 30 – Approved
31. Dropped
32. Through 36 – Approved
37. Sent Back to Committee
38. Approved
39. & 40 – Approved, as amended

ACTION TAKEN ON THE MNUTES OF MARCH 3, 2009 MEETING

Approved, as amended (Item #29 – Ord.#5298, was pulled from the minutes and Sent Back to Committee for April 7, 2009 Meeting)

ACTION TAKEN ON THE MINUTES OF ITEM #40 FROM TONIGHT’S MEETING

Approved